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*NOT ADMITTED IN D.C.

March 19, 1997

OF COUNSEL

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
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Washington, D.C. 20554

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MAR 19 1997

BEN S. FISHER
(1890-1954)

CHARLES V. WAYLAND
(1910-1980)

RE: Ex Parte Presentation to Commissioner Chong's Office
MM Docket No. 87-268, Advanced Television Systems
(Sixth FNPRM)

Dear Mr. Caton:

Pursuant to Section 1.1206 of the Commission's Rules, this is to report that on March 18, 1997, representatives of Sinclair Broadcast Group, Inc. ("Sinclair") and Sullivan Broadcasting Company, Inc. ("Sullivan") met with Commissioner Chong and members of her staff in connection with the above-referenced proceeding. Attending the meeting were Mr. David D. Smith, President and CEO of Sinclair; Mr. Nat Ostroff, Vice President, New Technology of Sinclair; Mr. Mark Hyman, Director of Government Relations of Sinclair and undersigned counsel for Sinclair and Sullivan. At the meeting, representatives of Sinclair and Sullivan presented concerns facing UHF broadcasters regarding the proposed allotment plans for DTV, as set forth in a "Motion for Extension of Time for the Filing of Reply Comments in Response to the Sixth Further Notice of Proposed Rule Making" filed jointly by Sinclair and Sullivan on January 2, 1997 and in "Reply Comments" to the Sixth Further Notice filed by Sinclair on January 24, 1997.

The participants discussed the topics set forth in the attached memorandum. The problem facing UHF broadcasters is that the planning factors utilized by the Caucus proposal predict coverage at the indicated powers by assuming that the viewer will use an outdoor antenna mounted on a 30 foot pole.

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Sinclair and Sullivan discussed the possibility of changing the interference planning factor which would permit higher UHF power levels for UHF stations operating digitally. The memorandum demonstrates that a substantial increase in power from an interfering UHF station resulted in a de minimis increase in interference, leading to a conclusion that there is room to raise UHF power levels demonstrably if interference standards are relaxed.^{*/} This is a UHF to UHF problem and not an issue for a VHF station moving to UHF because the power levels of VHF stations moving to the UHF band are on clear channels. In contrast, the power levels of UHF stations are determined by interference levels to other UHF stations. UHF stations operating with the power levels that have been proposed will be received with an indoor antenna only approximately 12 miles from their antenna sites. The reception of UHF stations outside the 12 mile range will require a 30 foot outdoor antenna, assuming such an antenna could be built within existing zoning regulations. Absent a 30 foot outdoor antenna, there will be no Grade B coverage of UHF stations.

Sinclair and Sullivan submit that there is an acknowledged problem that cannot be dealt with in the time frame that has been established for the release of a Report and Order on the Sixth Further Notice. Accordingly, the Commission should allot DTV channels but indicate that power levels will be subject to review and revision based on an analysis of planning factors, with the objective of reducing the disparity between the power levels of V-U's and U-U's in digital television. The parties urge that the following paragraph be inserted in the Commission's Report and Order:

The Commission will appoint a Television Advisory Committee of UHF broadcasters to make recommendations as to maximum powers that could be assigned to UHF broadcasters bearing in mind the possibility of interference to other UHF stations.

The proceeding at issue is a non-restricted proceeding in which presentations are permitted, but must be disclosed. Accordingly, pursuant to Section 1.1206 of the Commission's rules, an original and a copy of this letter and the attached memorandum are hereby submitted.

^{*/} Sinclair has since been advised by the consultant to both the Commission and MST that it has no time available to make additional power comparisons because all of its time is now taken working for MST.

Mr. William F. Caton
March 19, 1997
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Please place this submission in the record of the above-referenced proceeding.

Very truly yours,



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cc: The Honorable Commissioner Chong
Jane Mago, Esq.
Roy Stewart, Esq.
Bruce Franca, Esq.

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THE DTV TABLE OF ALLOTMENTS IS WEIGHTED AGAINST THE UHF INDUSTRY AND FAVORS THE VHF INDUSTRY UNFAIRLY.

The Proposed power differences create a disincentive to UHF stations planning an early DTV facility.

SINCLAIR BROADCAST GROUP

The table that is being created for consideration by the FCC is unfairly biased towards the large network VHF stations. The choice of planning factors and the method of their application weights the table heavily against the UHF industry.

- * The planning factor that unrealistically assumes no use of preamplified antennas beyond the radio horizon, allows for an unnecessarily large power allocation to the VHF/UHF stations.
- * The ultra-conservative assumptions about interference to NTSC stations puts an unnecessary limitation on the powers that can be assigned to the UHF/UHF stations.
- *Power assignments that put UHF/UHF stations at a 10 to 100 times power disadvantage to VHF/UHF stations make them noncompetitive in the marketplace, given that in the analog world the FCC has assumed only a 4:1 disadvantage for UHF with respect to VHF. This unreasonable differential in power reduces the UHF station's incentives to build an early DTV facility.
- *The protection of the UHF grade B coverage contour of NTSC UHF stations from DTV interference may be not as important as assigning them higher DTV powers to allow them to compete.

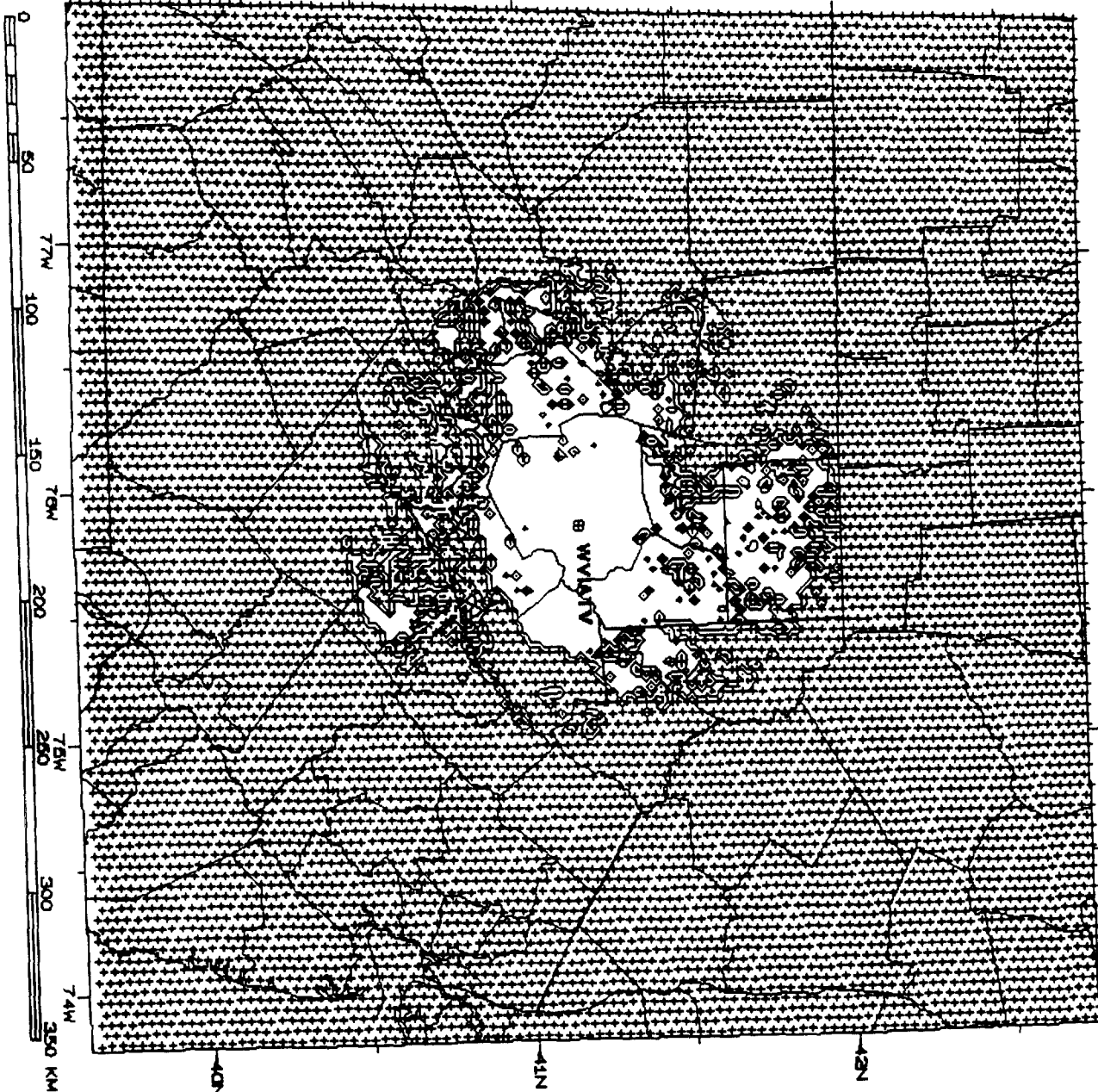
The solution lies in determining what the tolerable level of interference should be to existing NTSC UHF stations and not set limitations that are unrealistic. The UHF industry, in association with the FCC, should be allowed to decide how much interference it will accept within its NTSC grade B to allow it to have competitive DTV power assignments. The effective "clear channel" assignments given to the VHF stations do not limit their power based on interference criteria. Thus, the VHF industry is at no risk while the UHF industry faces a serious loss of viewer populations under the proposed planning factors.

It is now clear to the UHF industry that more power would not necessarily result in significantly more interference to existing NTSC stations. Further, we believe that interference inside the NTSC station's grade B contour is not as important as protection

of the grade A and higher DTV power assignments, now. Initial computer runs have demonstrated that the power of a UHF DTV station could be increased by 2.5 times while creating virtually no additional interference to an adjacent market co-channel station. This work demonstrates that higher powers than those presently being considered for the UHF/UHF stations are possible and should be granted.

The UHF industry needs to get its power assignments to higher levels in order to compete in the DTV world. Failure to do so could create a scenario that eliminates many UHF stations from the DTV universe. Such a development would mean the failure of the DTV service and the continuation of analog television indefinitely. This would not serve the purposes of either the government or the desires of the UHF broadcaster.

The UHF industry needs the FCC to give it a little more time to complete its analysis of the flaws in the proposed table and to propose a fairer solution that will serve the American public. It is anticipated that this issue can be resolved within 90 days. Such a delay in adopting a table would eliminate the possibility of future actions and disputes that would only delay the roll out of DTV much longer than the requested time extension.



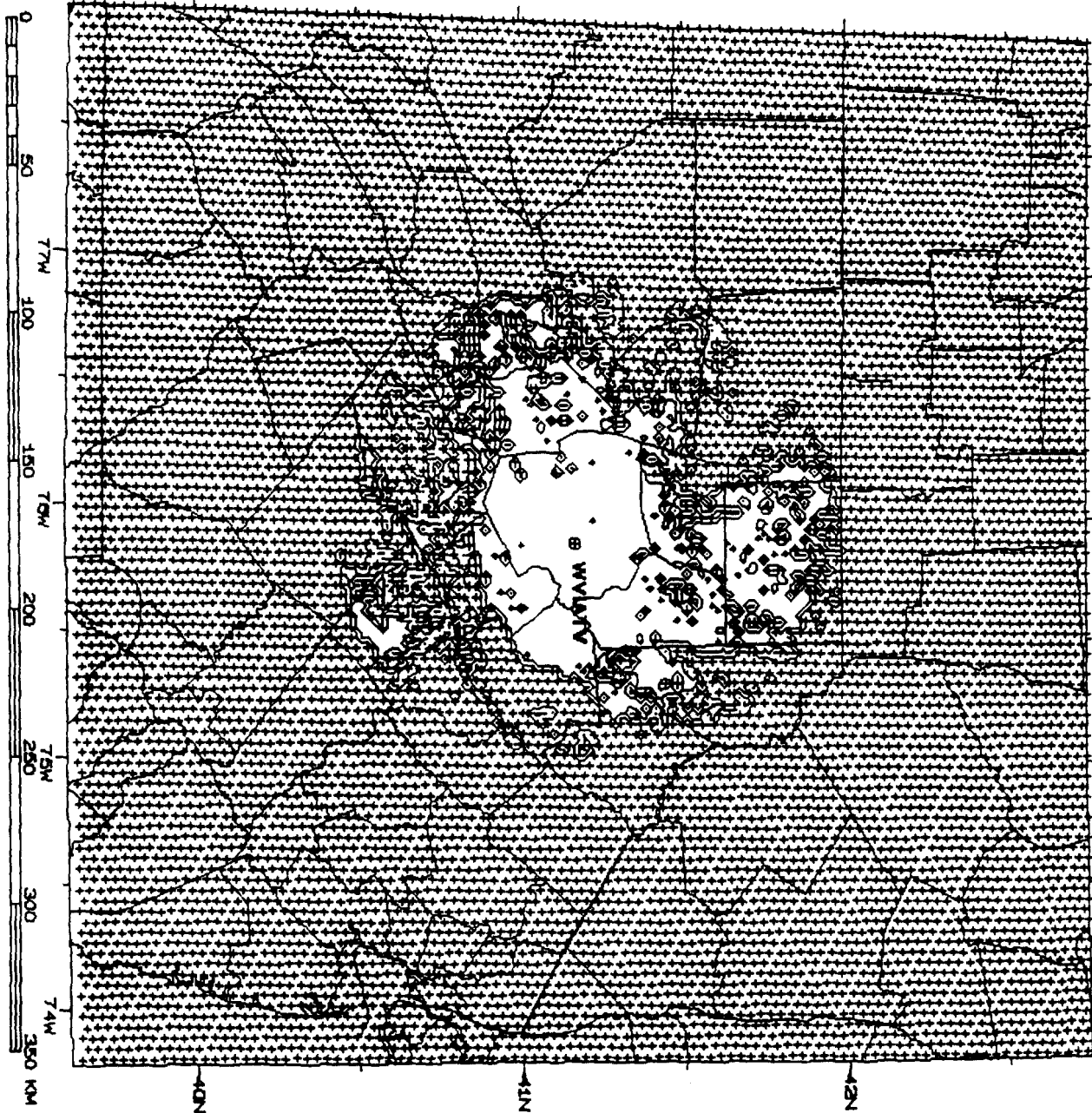
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Signal to Interference

☐ No Interference
Area: 10800. sq
Population: 10411
Households: 398

☐ Interference
Area: 1230. sq
Population: 82
Households: 32

☐ Signal below minimum
Area: 110370. sq
Population: 216111
Households: 8788



Signal to Interference ratio

- ☐ No Interference
 - Area: 10530 sq km
 - Population: 1010000
 - Households: 387000
- ☐ Interference
 - Area: 1870 sq km
 - Population: 114000
 - Households: 44000
- ☐ Signal below minimum
 - Area: 110370 sq km
 - Population: 21611000
 - Households: 8789000

TA Services
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